



A N
I N Q U I R Y
I N T O T H E
F I T N E S S, &c.



[Price Six-pence.]



AN
INQUIRY
INTO THE
FITNESS¹²
OF *Great Britain*
ATTENDING PARLIAMENT:
IN A
LETTER from a MEMBER
TO HIS
FRIEND, who has Absented.



L O N D O N:
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MEMORIAL

PRESENTED TO THE

HOUSE OF COMMONS

OF

THE UNITED KINGDOM OF GREAT BRITAIN

IN THE YEAR 1841



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A N

INQUIRY, &c.

S I R,



AFTER the strictest Friend-
ship and Unanimity, for
more than twenty Years,
our late Separation gives
me the deepest Concern. Had the
Point, upon which we divide, appear'd

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in the least doubtful, or your Retirement, at this Juncture, an indifferent Matter, I should easily have yeilded to the Importunity and Example of Friends, whom I greatly honour. But in a Case so very clear to my Apprehension, 'tis impossible for an honest Man not to pay a Regard to the strong Sense of his own Mind.

To justify my Behaviour, to my Constituents and my Country; and if possible to prevail with Gentlemen, to reconsider the Tendency of this extraordinary Conduct, before it is too late, were the Inducements with me to give you this publick Trouble.

A Seat in Parliament is a Trust of high Importance; great Privileges are annexed to it, upon a supposed Discharge of that Trust by a regular Attendance upon publick Business. Several excellent Dissertations, with great
Beauty

Beauty and Strength of Reason, have been occasionally publish'd, in one of the Weekly Papers, to shew the Obligations upon every Member, to attend duly, tho' the Success from his Presence should not be answerable to his just Wishes.

Besides the Orders of the House for a regular Attendance, the Law itself, 6 *Hen. VIII. Cap. 16.* (which well deserves the Attention of every Member of the Legislature) has enacted, " That none of the Knights,
 " Citizens, Burgeſſes and Barons, nor
 " any of them, that hereafter ſhall
 " be elected to come or be in any
 " Parliament, do *depart* from the ſaid
 " Parliament, or *absent himſelf from*
 " *the ſame*, till the ſaid Parliament be
 " fully finiſhed, ended or prorogued,
 " except he or they ſo departing
 " have Licence of the Speaker and
 " Commons in the ſaid Parliament
 " aſſembled ; and the ſame Licence

“ be enter’d of Record in the Book
 “ of the Clerk of the Parliament.

Nor can any thing be more reasonable, than for a Man, who has undertaken a solemn Trust, and charged himself with the Interests of his Constituents and his Country, to attend that Business, which perhaps at his own Solicitation has been entrusted to him. No Excuse can possibly arise from the Non-attendance of some, or a supposed irregular Influence upon others; it is still incumbent upon me to perform my Duty, and honestly discharge a high Trust, which I have voluntarily undertaken, without Exception or Reserve, for the whole Continuance of the Parliament; during which Time it is impossible for my Constituents to choose another Representative, or, which is the same, appoint another Trustee. Under this Conviction I have endeavour’d to discharge my Duty in a constant and regular

gular Attendance for many Years, and by supporting or opposing every Measure as it appear'd conducive or prejudicial to the Publick Good.

You, Sir, well know that upon many Occasions, when we have not enjoy'd the Honour of carrying a Point, yet this Loss has been amply repaid by the just Satisfaction arising from good Intentions; and we have often pleased ourselves with reflecting, that tho' Matters have not, in every Instance, succeeded to our Wishes, yet much worse Measures might possibly have been pursued, were there fewer Eyes to observe, or less Probability that Numbers would be ready to object and oppose. Lord *Clarendon* confirms these Sentiments by a melancholy Instance, when many Members, in 1641, withdrew from the House, apprehending the Business of the Session over. " This, says he, was the Advantage " looked for. Those, to whose Care
" and

“ and Managery the whole Reforma-
 “ tion was committed, now enter’d
 “ upon the highest Matters, both in
 “ Church and State, and made At-
 “ tempts and Entries upon those Re-
 “ galities and Foundations, which
 “ have since been more evident in
 “ wider and more notorious Breaches.

A late Event, upon which your
 Determination to retire is founded,
 very strongly confirms me in the
 contrary Resolution. I have met with
 too many Disappointments to be ex-
 tremely sanguine in any Expectations;
 I cannot however but observe, that
 an Opposition, weak and feeble in
 its Infancy, that could scarce creep
 up to one hundred, has now by
 gradual Increases advanced itself to
 above two hundred and thirty. Is
 such a laudable Minority, strength-
 ened by Persons of great Rank, Sta-
 tion and Fortune; an Opposition,
 that has actually proved successful in
 several

several other Instances, besides the memorable *Excise*, and the Act for *Freedom of Elections*; an Opposition, that, to say the least, has been greatly instrumental in procuring Declarations of the highest Authority and Weight in Support of our Rights, Possessions and Freedom of Navigation in *America*; is this increasing Opposition, hitherto carried on with inviting Success; is this just and legal Measure at once to be given up, for a Project wild and illegal, full of Novelty and big with Mischief? From whence must the fairest, the most constitutional and safest Prospect of Success arise? Has not the regular, parliamentary Contest found many Noblemen and Gentlemen, who have quitted valuable Employments, and increased it's Friends with great Dignity and Weight? And shall we now, at a Period when it is least necessary, and most inconvenient, have recourse to the most dangerous of all Experiments,

ments, throw the Kingdom into Domestic Confusion ; and, at the most unseasonable Juncture, perhaps plunge our Country in all the Calamities of a Civil War? Here most probably the fatal Step must lead. 'Tis scarce possible, without a Miracle, it should, if persisted in, have any other Issue.

The Provocations run high upon one Side, when it is asserted, that Truth and Justice are fled ; that their last Votaries quit the corrupted, noxious Place, where all is Venal, *Faction* prevails, and honest Men should be ashamed to shew their Faces. No Hopes, no Prospect to serve their Country, no Views of doing Right to an injured Nation ; legal and parliamentary Endeavours are ineffectual, very different Methods must be attempted, the People must now save themselves.

This must be the unavoidable Interpretation of a Resolution to desert
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that Station, in which the Voice of their Country has placed Gentlemen, and the Service of their Country requires their Continuance. Such a Seceſſion ſufficiently ſpeaks its own Meaning, had it received no direct Interpretation, and were not attended with ſome explanatory Circumſtances, eſpecially from the avowed Deſigns and Wiſhes of ſeveral Gentlemen, under a facetious Leader, extreamly open and explicit, who are among the foremoſt to concur in this hazardous Measure.

Gentlemen cannot excuſe to their Conſtituents a notorious Breach of Truſt in deſerting their Duty, without declaring to theſe Conſtituents, and to the whole World, that in their Opinion the Freedom of a certain Aſſembly is at an End, the Conſtitution deſtroyed, Order and Government ſubverted, and *Faction* only prevails; and if theſe great Evils are

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to be remedied, the Cure must be effected by other Methods than free Debate and publick Voting.

Much less Penetration than falls to the Share of the honourable Person deservedly placed at the Head of this Project, or those join'd with him; much less Penetration is sufficient to discern the natural Effects of such (more than) Insinuations among the People. Tho' the Parents of this Scheme were supposed to be silent, their Child speaks loudly enough for itself: The Nation must understand the Meaning; it is certainly designed they should understand the Meaning; sufficient Care has been, and will be taken, to give a full Explanation. A Step so extraordinary and illegal, is doing too much for wise Men not to do more. Protestations against plain Facts are generally intended to amuse and deceive: but admit them, in the present Case, sincere; People
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in such Circumstances, where one Thing leads to another, are unavoidably driven far beyond their first Intentions: it is needless to mention the well-known fatal Progress in the last Century; I push this Matter no farther.

It is proper likewise to observe what is naturally to be expected from another Quarter. What new, what expensive, and perhaps unconstitutional Remedies may be introduc'd, and apply'd to this new Disorder; and these increasing, as the Opposition to them increases! A Government must vindicate itself, or fall under the Weight and Odium of the heaviest Imputations.

Your constant Zeal for the Protestant Succession (whatever be the Case of some other Persons) will give due Weight to every Consideration, which affects that Interest so impor-

tant to the Safety of these Kingdoms. A Desertion so unusual, unavoidably carries Imputations of a very high Nature, in the supposed Subversion of the Constitution, and Support of a Faction ; and must be open to those hurtful Inferences, which I am as unwilling to explain, as some other Gentlemen have been to renounce and disclaim. You, Sir, will easily feel the Weight of this Consideration. And there is another Topic of the same kind, which I must likewise submit to your Thoughts. 'Tis an Inquiry of too high and delicate a Nature for me to examine, in what degree this Proceedure may tend to heighten Divisions in a certain Family, which I barely mention, without presuming to dwell upon a Subject so difficult and so melancholy.

But to leave these arduous Points ; is it possible to imagine that Persons armed with Power, and of great Fondness

Fondness for it, supported with all the Forms and Strength of Government, as well as by many of the Nobility and Gentry, whom it would be Injustice not to call Men of Character, Honour and Fortune? Is it possible, I say, to imagine that Persons thus in Power, will be silent and unactive, while those, who have deserted their Stations, are, by that Action at least, persuading the Nation, that a regular Government subsists no longer? Can it be imagin'd that such Treatment will be submitted to, without any Endeavours to prevent the bad Effects, or censure the Authors of it? But when and where must these intestine Struggles end!

Is a Situation like this ever desirable? Is it not least of all to be wish'd for, at the present Juncture? A Juncture so very important, as shews the Enormity (I really think it so) of the Step under Consideration.

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A Convention has been executed between *Great-Britain* and *Spain*. I could by no means join in an Address of Thanks, which imply'd a publick Approbation of a Measure that was very far from answering the just Expectations of the Kingdom ; yet even this Convention, with respect to the Freedom of Navigation, refers to the *American* Treaty of 1670. And for the Freedom of Navigation, *Great-Britain* needs no better, can have no better Security, than arises from the Stipulations of that valuable Treaty, concluded when *Spain* from her Circumstances was glad to make Concessions to *England*: So beneficial are these Concessions, 'tis no wonder if she is now endeavouring to extort them from us. By this Treaty our Right to navigate the whole *American* Seas is admitted, without any Limitation or Exception, Search or Examination, in as free and
ample

ample a Manner as the *Spaniards* can navigate those Seas. The reciprocal Prohibition of Trade, in the respective Dominions, is the *only* Restraint or Exception. Article the 8th, “ The “ Subjects of *Great-Britain* are not “ to navigate nor traffick in the Ha- “ vens or Places, that are in Possession “ of the Catholick King in the said “ *Indies*; neither are the Subjects of “ the King of *Spain* to navigate or “ traffick in the Places possess’d there- “ in by the King of *Great-Britain*.”

And by the 14th Article of this Treaty it is thus beneficially stipulated ; “ PARTICULAR OFFENCES shall “ no way be a Prejudice to this Trea- “ ty, and cause no Enmities and Dif- “ fentions between the two Nations ; “ but EVERY ONE shall answer “ for what HE has done, and be “ prosecuted for contravening it : “ Neither shall the one have recourse “ to Letters of Reprisal, *or any other* “ *Method of a like Nature*, to ob-
“ tain

“tain Reparation for the Offence of
 “the other, unless Justice be deny’d,
 “or the unreasonable Delays used,
 “in administring the same.

In the following Article it is declared, notwithstanding the Reservation of the respective Rights of Sovereignty in the *American* Seas, Streights or fresh Water, “That it is always to
 “be understood, that the *Freedom*
 “of *Navigation* ought by no *Man-*
 “*ner* of *Means* to be *interrupted*,
 “when there is nothing committed
 “contrary to the true Sense and
 “Meaning of these Articles.” And nothing but actual Traffick in the Havens and Places in Possession of the King of *Spain*, is contrary to the true Sense and Meaning of these Articles; and, in that Case, the Remedy is special and particular against the *Particular Offender*, and against him ONLY. Can Words be more express’d, than the Declaration of the

14th Article; PARTICULAR OFFENCES shall no way be a Prejudice to this Treaty; but EVERY ONE shall answer for what he has done, and be prosecuted for contravening?

The King of *Spain* has restrain'd himself by this Treaty from all *general* Methods of Seizure or of Search, which is an ANNOYANCE, and therefore expressly renounced by Article the 3d, as well as by the general Tenour of the Treaty. He can have no recourse to any general Methods, to Letters of Reprisal, or any other Methods of the like Nature. He may restrain, under the severest Penalties, his own Subjects from Inviting and Encouraging a Trade with *British* Vessels, and seize a Ship when actually found trafficking in Havens and Places in the Possession of the King of *Spain*; but can neither seize, search, or so much as stop or detain any other *British* Vessel. He is most
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expressly precluded from all general Methods of Interrupting our Commerce. A free and undisturb'd Navigation is our indisputable Right by Treaty. Trade was carried on by *British* Subjects to the *Spanish* Dominions in *America* long before this Treaty; and at the time of making it was the proper Season to consider how it might possibly affect the *Spanish* Revenue: The Treaty is long since made; and it is by much too late for *Spain* to object Inconveniences, or attempt to deprive *Great-Britain* of the Advantages of this very plain and very beneficial Treaty. This Treaty, among others, is by the Convention made the Basis of the Negotiation now subsisting, the WHOLE of which, by the Convention, Article the 1st, is to be conducted and regulated according to the Treaties of 1667, 1670, and subsequent Treaties of a similar Tendency; as to the Particular under
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Consideration, “ No *English* Minister
 “ can give up this Treaty, no *Eng-*
 “ *lish* Minister dare give up this Trea-
 “ ty. No Secretary of State dare
 “ sign an Article to give it up, no
 “ Lord Chancellor dare put the Great
 “ Seal to it.” The Resolutions of
 both Houses of Parliament, and the
 Voice of the whole Nation, have as-
 serted our Rights under this Treaty.

Such is the State of the Affair now
 depending between the two Crowns,
 and reduced to this short, but im-
 portant Question, which it is to be
 hoped may now at last be put, with
 some Degree of Skill and Resolution,
 to the *Spanish* Minister, *viz.* Will
 the King your Master, or will he not,
 allow the Subjects of *Great-Britain*
 the Rights and Privileges they are
 plainly intitled to by the Treaty
 1670; so plainly, that no other
 Words can be more exprefs, and new
 Explications may give Scope to evade
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their Force? This great Point is now in Agitation.

And is this a Juncture to furnish an Administration with Excuses, or lay them, it may be, under a Necessity of concluding a disadvantageous Peace, or accepting an evasive Answer, because it is render'd impracticable to go into a necessary War? It will prove slender Recompence to an injur'd People, afterwards to punish what it had been much more wise and beneficial to prevent.

The Merchants in particular must very sensibly feel the unhappy Effects of this unseasonable Desertion of their Cause, by raising, unnecessarily, new Disputes, and furnishing those, who are now bound to procure the Security of Trade, with an Excuse for not doing real Service to the trading Interest. If as you, Sir, well know it has been urged in favour of the
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late Convention, that it was the best that could be obtained, considering our Circumstances; when these Circumstances are really made worse by an intemperate Disease, voluntarily raised in our own Bowels; what can be expected but repeated Injuries, or a disadvantageous Peace abroad, while the Government is most unseasonably employ'd to settle and establish itself at home? Such intestine Disorders, such an Attack upon the Constitution, while it must weaken the Hands, and engross the Attention of an Administration, is furnishing too good an Apology for any future Management, that may prove disadvantageous to the trading Interest. 'Tis too obvious, that in such Circumstances, War must be engaged in with less Vigour and Efficacy, Depredations continued, or a Treaty concluded upon Terms disadvantageous to the *British* Merchants. The Resolutions of Parliament are formed with a Firmness well becoming

becoming the important Subject ; if these Resolutions are duely enforced, and the Liberty of Navigation in the *American* Seas, so justly asserted, shall be as resolutely maintained, Commerce to *America* will be settled upon a proper Basis, and the mercantile Part of the Kingdom, who deserve so well of their Country, will have great Satisfaction (I mean) for the Time to come.

But if the Dispute with *Spain* is to be negotiated in a Dispute among ourselves ; and instead of procuring Safety to our foreign Trade, we are to be rashly hurried into the unnecessary Business of supporting the very Essence of our own Constitution ; I sincerely pity the deluded injur'd Merchant. He will have just Reason to complain, that when a few Weeks must determine whether the Crown of *Spain* will or will not pay the stipulated Reparation, and give full Satisfaction
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in all other Articles of Complaint, the mercantile Interest is deserted; and a Question of utmost Importance to the Trade and Honour of *Great-Britain*, unseasonably exchanged for a Dispute concerning Attendance in a certain Assembly, where perhaps the Attendance of a few Days only might have obtained so small a Number as fifteen, and changed the Majority.

For my own part, I can by no means approve an illegal Measure, that can at best only procure an Uneasiness hurtful to my Country; which as it only tends to create Distress at home, may greatly embarrass Affairs abroad, and give, perhaps, an incurable Wound to the Vitals of a trading Nation.

I speak with Freedom, the Case requires it. I should be ashamed to appear in so bad a Cause: My Opposition

tion has been founded upon nobler Maxims. So slender is the Confidence I place in Ministers, that I should be sorry to find them, upon any Occasion, without Inspection and necessary Opposition. It would be paying too high a Compliment to any now in being, ever to put it in their Power to transact national Business almost without Controul. Should they triumph in the present Case, and should a Victory be obtained over the Deferters, it is, in my humble Opinion, giving too great Scope, and entrusting too much Power in Hands, that I always behold with suspicious Caution. Close Inspection and diligent Attention may awaken their Care, while implicit Confidence, or, what amounts to the same, a total Neglect may give both Opportunity and Encouragement to several Measures, that will not bear a Scrutiny and Opposition, and perhaps would not be attempted in different Circumstances. I hope
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this will not prove the Case, and intirely depend upon the Honour and Probity of some Gentlemen, who still continue regularly discharging their Duty to their Country : The worse Opinion any Gentleman entertains of certain other Persons, the more imprudent and dangerous it must be to set them free from all Controul. Tho' every Measure cannot be over-ruled, some may be corrected, and the very Presence of a Minority, where fifteen turn the Scale, carries with it both Terror and Instruction.

It will, I know, be alledged that there may still remain a Party of Observation, and a bad Law cannot be past in one Day — True ; but a very bad Vote may be past in one Hour ; and some single Votes may be attended with fatal Consequence to the Trade and Honour of *Britain* : Any subsequent Censure or Punishment, if

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that should be inflicted, would prove as poor a Satisfaction to the injured Merchants, as he ever received from any *Spanish* Governour. May Ruin and Disappointment constantly attend every Scheme that is built upon procuring, encouraging, or *suffering* Mischief to *Great-Britain*!

In the present Circumstances of Affairs, what would *Spain* desire? And what would the *British* Merchant hope for? To gratify *Spain*, there should arise strong Divisions among ourselves, such Domestick Embarrassments and Clogs upon Publick Measures, as must lessen their Operation in making Peace or waging War; that the present Dispute, which has hitherto only been, to what Degree our just Resentment should be expressed against *Spain*, might now be exchanged for a Controversy, how we should exert our Resentment against one another: In one word, that the doubtful

doubtful Situation of our Affairs at home should render us less able to act with Vigour abroad.

While the *English* Merchant must wish, that every Hand and every Voice may join in supporting the Rights and Possessions of *British* Subjects; and that now as a few Weeks must determine the Sincerity of the Inclinations of the Court of *Spain*, no unnecessary Matter of Debate might furnish an Excuse for withdrawing the Publick Attention from a Point so essential to the Publick Good; and that if at the End of this short Period, *Spain* should appear to trifle with the Clemency and Forbearance (not to say Tameness) of *Great-Britain*, and more vigorous Measures should become requisite, and requisite and necessary they must be, if the Freedom of our Navigation is not recogniz'd and secur'd; in this Case the *British* Merchant must wish, that

no Evasions, no real Difficulties might retard or obstruct the just Resentments of an injur'd People; but that every individual Voice in the *British* Senate, with an Unanimity and Resolution well-becoming the important Occasion, might join the Voice of the People, and cry aloud ----- Justice to our Country! God Prosper the Arms of *Britain!*

I am, SIR,

Your very humble Servant,



F I N I S.